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April 3, 2016

VIA ECF

Hon. James B. Clark, III
United State Magistrate Judge
District of New Jersey
U.S. Courthouse, Room 369
Newark, New Jersey 07101

RE: Wendell Kirkland, et al. v. City of Linden, et al.
Docket No. 2:12-cv-01196 (KM)-(MH)

Dear Judge Clark:

This office represents the plaintiffs Wendell Kirkland and Anthony Kirkland (collectively, the “Plaintiffs”) in the above-reference matter. By way of background, this matter was stayed in September 2016 so that the parties could submit this matter to mediation. On December 19, 2016, this matter was settled at mediation before the Honorable John J. Hughes (Ret.). On December 21, 2016, an Order was entered administratively terminating the case pending sixty (60) days for the consummation of the settlement.

As of today’s date, Plaintiffs do not have a draft of settlement documents, nor has there been any effort by the Defendants to consummate the settlement. On January 25, 2017, the undersigned sent an email to counsel for Defendants requesting an update as to the status of the settlement documents and requesting information on when the matter would be docketed for approval by the City of Linden Council. Thinking that the parties knew since September 2016 -- six (6) months ago -- that this matter may resolve, one would think that the parties would be ready to close this case out. No response was ever received from Defendants’ counsel.

Accordingly, if no efforts are made to consummate this settlement by February 21, 2017, the undersigned would respectfully request permission to file a

Motion to Enforce Settlement. If that were necessary, we would obviously seek costs for having to resort to motion practice.

I thank the Court for its kind consideration.

Respectfully submitted,

Michael P. Rubas

MICHAEL P. RUBAS

MPR/vm

cc: David Schwartz, Esq. (via email)
Robert Varady, Esq. (via email)